

Application No. 10/053,387  
Amendment dated 3/13/2006  
116 Response

Docket No. 70377-010200

### **REMARKS**

Claims 1 - 3 and 5 - 38 are pending. The remaining claims, namely 2, 3, 5-8, 10, 13 and 18-31 have been previously cancelled, and remain withdrawn from consideration. Accordingly, the listing of the claims under the newly revised 37 C.F.R. 1.121(c), is respectfully submitted as being in strict compliance. Following a discussion with the Examiner, claims 1 - 5, 5 - 15, and 17 - 32 are cancelled without prejudice, while claims 16 and 32 have been amended, per said discussion and are believed to present allowable subject matter. Such relief is hereby earnestly solicited.

Applicants undersigned representative respectfully thanks the Examiner for entry of the Request for Continued Examination under 37 CFR 1.114, and for the entry of Applicants' submission dated 27 April 2005, and acknowledgement of the amendment filed 06 October 2005.

#### **I. Rejection Of Claims As Anticipated By U.S. Letters Patent No. 4,335,026**

The rejections under Title 35 Section 102 are respectfully traversed at this time, since the subject claims have been canceled to advance prosecution, and the rejection is thereby believed to have been rendered moot.

#### **II. 35 U.S.C. §103 Rejections Of Claim 16 Over The '026 Patent And U.S. Letters Patent No. 5,750,134 And Claim 33 Over U.S. Letters Patent No. 6,805,961**

The obviousness rejections, as detailed above, are respectfully traversed because each of applicants' stabilizer (claim 16) and applicants' ethylene propylene elastomer (claims 32 - 38) render the subject matter patentable, as expressly stated in the revised claims. Tables 1 and 2, at pages 7 - 9 of applicants' specification, respectively show why these respective formulation choices, far from being obvious, actually were tested and chose for better adhesion to the skin, better saline absorption and a higher degree of mechanical integrity.

Application No. 10/053,387  
Amendment dated 3/13/2006  
116 Response

Docket No. 70377-010200

The prior art fails to disclose combinations used to achieve better fluid absorption, *without compromising other aspects of the design* that can likewise function with respect to adhesion and other medical needs. Accordingly, the instant subject matter should be passed to issuance and allowance and such relief is hereby earnestly solicited. Should applicants' be required to submit declarations of those skilled in the art, the same can be supplied as discussed on the telephone on 13 March 2006.

Application No. 10/053,387  
Amendment dated 3/13/2006  
116 Response

Docket No. 70377-010200

### CONCLUSION

Applicants have complied with all requirements made in the above-referenced communication. Should any matters remain that the Examiner believes could be resolved in a telephone interview, the Examiner is respectfully requested to telephone the Applicants' undersigned agent, and/or propose an interview between 17 March and 9 June 2006. 37 CFR 1.333. Alternately, a personal interview is hereby expressly requested in advance of the July final deadline.

This response is being timely filed and no fee is believed due. However, if Applicants are mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that Attorney Docket Number 70377-010200 is referred to when charging any payments or credits for this case.

Respectfully submitted,

GREENBERG.TRAURIG, LLP

By 

Peter J. Gluck  
Reg. No. 38,022

Date: March 13, 2006

Customer Number 33717  
Greenberg Traurig, LLP  
2450 Colorado Avenue, Suite 400  
Santa Monica, California 90404  
Tel.: (310) 586-7700  
Fax: (310) 586-7800  
e-mail: laipmail@gtlaw.com